

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14340 of G. Allen and Cynthia C. Dale, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.44 to use all floors of the subject structure for law offices in an SP-2 District at premises 307 G Street, N.W., (Square 529, Lot 803).

HEARING DATE: October 9, 1985

DECISION DATE: October 9, 1985 (Bench Decision)

FINDINGS OF FACT:

1. The subject premises, known as 307 G Street, N.W., is located on the north side of G Street three structures removed from the intersection of G and Third Streets, N.W. It is located in an HR/SP-2 District.

2. The subject lot is rectangular in shape and measures 15.5 feet by 69 feet for a total land area of 1,069.5 square feet. The lot is improved with a three-story plus basement brick, semi-detached residential structure which is vacant. The structure was last used as a rooming house according to Certificate of Occupancy No. B1525 issued June 27, 1956.

3. Square 529 is characterized by a mix of uses including surface parking lots, residential uses, professional offices, and retail commercial facilities. Beyond Square 529, the surrounding area is characterized by large Government and private offices facilities; a variety of residential structure types and uses (e.g., apartments, rooming houses, etc.); and occasional commercial facilities and religious institutions.

4. The applicant is seeking a special exception to convert the subject structure's use into law offices.

5. The granting of the special exception requires a showing through substantial evidence that the applicant has complied with the requirement's of Paragraph 4101.44 of the Zoning Regulations and that the relief requested under Sub-section 8207.2 can be granted as in harmony with the general purpose and intent to the Zoning Regulations and will not tend to affect adversely the use of neighboring property.

6. Paragraph 4101.44 empowers the Board to approve an office for an international organization, non-profit organization, labor union, architect, dentist, doctor, engineer, lawyer or similar professional person in an SP District provided:

- a. The use, height, bulk and design are in harmony with existing use and structures on neighboring property;
- b. The use will not create dangerous or other objectionable traffic conditions;
- c. The Board may require such special treatment in the way of design, screening of buildings, accessory uses, signs and other facilities as it shall deem necessary to protect the value of neighboring property.

7. All floors of the subject structure will be occupied as law offices consisting of seven lawyers and one clerical staff member. The applicant will be one of the lawyers occupying the structure. The applicant's firm is now located at 126 C Street N.W. Escalating rent compelled him to select a different site.

8. The offices will be occupied between the hours of 8:00 A.M. and 6:00 P.M.

9. The interior of the subject structure will be gutted and new walls will be installed.

10. The applicant proposes to restore and rehabilitate the exterior of the subject structure. No additions to the structure are contemplated. The facade will be restored to its original appearance. The original front door will be refinished. The treatment of the exterior is subject to the approval of the Fine Art Commission.

11. Landscaping will be provided in the rear of the subject site and if possible in the front.

12. The total floor area ratio of the subject site is less than the maximum 3.5 FAR allowed in the SP-2 District for other than residential use. The existing three-story structure is well below the ninety foot maximum height permitted in the SP-2 District.

13. Seven brass name plates, measuring approximately two inches by twelve inches, will be the only signs on the exterior of the structure.

14. The neighboring structures to the east and west of the subject site are both used as professional offices. The six-story structure to the north of the subject site is being renovated as a hotel.

15. No on-site parking is available on the subject premises.

16. Three of the seven attorneys maintaining offices at the subject site will drive to work. Four of the attorneys will use public transportation. The secretary's husband works in the neighborhood and will drop her off at the subject site.

17. A large parking lot is located directly across from the subject site on the south side of G Street between 3rd and 4th Streets.

18. The Judiciary Square Metro Station is located one block away from the subject site.

19. One of the attorneys who will work at the subject site is in general practice and has visitors to his office two or three times per day. Some of these visitors will take public transportation and others will drive.

20. Two hour metered parking is available on G, 3rd and 4th Streets surrounding the subject square.

21. The remainder of the attorneys specialize in criminal law and do not have frequent visitors. Their occasional visitors will generally arrive by public transportation.

22. By memorandum dated October 2, 1985, the Office of Planning (OP) recommended conditional approval of the subject application. The OP reported that the proposed use complies with the requirements of Paragraph 4101.44 and 8207.2 of the Zoning Regulations. The applicant's plans call for restoration and rehabilitation of the subject structure. No additions to or enlargement of the structure are contemplated. Therefore, the subject structure, which presently harmonizes with the height, bulk, and design of adjacent structures, will continue to do so. Also, the proposed use is compatible and consistent with the existing use of neighboring properties to the east and west; both are used as professional offices.

The OP further reported that the proposed use will not create any dangerous or objectionable traffic conditions. The number of proposed occupants, nine, is relatively small, and of that number roughly only one third drive to work each day. The remaining staff either car pool or use Metrorail. Whereas there is no on-site parking available at the subject premises, Square 529 and the immediate surrounding area contain numerous surface parking lots. Further, the number of Metrorail riders is likely to remain stable given the

close proximity of the Judiciary Square Metro Station. The OP also reported that the applicant indicated his intention to install a small nameplate on the exterior facade of the structure in order to announce the building's occupant. The Office of Planning believes the nameplate should be limited to one square foot in area. The Board concurs with the reasoning and recommendation of the OP.

23. Advisory Neighborhood Commission 2C did not file a report on the subject application.

24. There was no opposition to the subject application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires that the applicant demonstrate compliance with Paragraph 4101.44 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the use, height, bulk, and design of the structure will be in harmony with existing uses and structures on neighboring properties and that the use of the structure will not create any dangerous or otherwise objectionable traffic conditions.

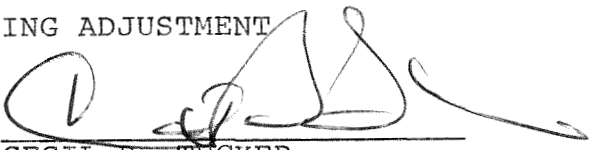
The Board further concludes that the approval of the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to adversely effect the use of neighboring property in accordance with said Regulations and map.

Accordingly, it is ORDERED that the application is GRANTED, SUBJECT to the CONDITION that the number of employees shall not exceed seven attorneys and one secretary.

VOTE: 4-0 (William F. McIntosh, Lindsley Williams, Charles R. Norris, Carrie L. Thornhill to grant Douglas J. Patton not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


CECIL B. TUCKER
Acting Executive Director

FINAL DATE OF ORDER: 28 JAN 1986

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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